

EXHIBIT 3

Woodworth, Thomas

From: Daniel Galpern [galpern@westernlaw.org]
Sent: Thursday, October 07, 2010 11:36 PM
To: John Walker; Lina (Carolyn) Tanner; Woodworth, Thomas
Subject: Appeal of Permit NEV91022: Protective Filing of Opening Brief
Attachments: 20101007 Protective Opening Brief.pdf

Oct. 7, 2010

Mr Walker and Counsel,

Attached is a protective filing, only, of Appellants Opening Brief. We expressly reserve the right to file a revised and expanded version subsequent to the SEC's disposition of our Oct 6-filed motion.

Thank you.

--

Dan Galpern, Attorney
Western Environmental Law Center
1216 Lincoln Street
Eugene, OR 97401
(541) 359-3243
galpern@westernlaw.org
www.westernlaw.org

The Western Environmental Law Center is a non-profit public interest law firm that works to protect and restore western wildlands and advocates for a healthy environment on behalf of communities throughout the West.

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law as attorney-client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, immediately notify us at the telephone number above.